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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 380**

**General Medical Services Regulations (Northern Ireland) 1997**

**Part V**

**Payments to doctors**

**Payments**

**37.**—(1) The Board and the Agency shall make payments to doctors with whom arrangements for the provision of general medical services exist, in accordance with such rates and subject to such conditions as the Department may determine and publish in a Statement, after consultation with such organisations as may be recognised by the Department as representing doctors with whom arrangements for the provision of general medical services exist, and with the consent of the Department of Finance and Personnel, so as to secure compliance with section 8 of, and Schedule 2 to, the Finance Act (Northern Ireland) 1971<sup>(1)</sup>.

(2) The determination under paragraph (1) shall make provision for the following matters—

- (a) basic practice allowance, and additional allowances for seniority and employment of assistants;
- (b) standard capitation fees and capitation fees for elderly patients;
- (c) fees for items of service, maternity medical services and temporary residents;
- (d) fees and allowances for the supply of drugs and appliances and for rural practice;
- (e) allowances for training doctors and for study leave;
- (f) allowances for initial practice or to maintain practice viability;
- (g) allowances to maintain practice viability for essential medical practices in isolated rural areas;
- (h) allowances for practice expenses and, in particular, allowances for practice staff, including any who are spouses or other relatives;
- (i) allowances for improvement of premises;
- (j) such other payments or arrangements in respect of practice expenses or practice improvements as may be determined by the Department with the consent of the Department of Finance and Personnel;
- (k) fees for contraceptive services;
- (l) payments in relation to the making of arrangements for, and payments for, the temporary provision of general medical services;
- (m) capitation fees in respect of patients who participate in a consultation pursuant to paragraph 16 of the terms of service;

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(1) 1971 c. 27 (N.I.)

- (n) capitation fees in respect of patients to whom child health surveillance services are provided;
- (o) capitation fees in respect of patients living in a deprived area;
- (p) fees for minor surgery sessions undertaken;
- (q) payments in respect of health promotion programmes approved by the Board;
- (r) payments in respect of disease management programmes approved by the Board;
- (s) target payments in respect of immunisations provided;
- (t) target payments in respect of cervical cytology;
- (u) allowances for the employment of locums by doctors during maternity leave, sickness or study leave;
  - (v) allowances for undergoing approved post-graduate education;
- (w) allowances for the employment of doctors by isolated single-handed doctors;
  - (x) allowances in respect of providing placements in the practice for undergraduate medical students;
  - (y) transitional payments in consequence of changes to doctors' terms of service.

(3) The determination under paragraph (1) may be amended from time to time by the Department after consultation with the organisations referred to in that paragraph and with the consent of the Department of Finance and Personnel and any amendments shall also be published in a Statement.

(4) In this regulation “deprived area” means a ward of a local government district (within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972(2)) listed in the Statement referred to in paragraph (1).

### **Payments to suspended doctors**

**38.—**(1) The Board and the Agency shall make payments to any doctor who is suspended by direction of the Tribunal (“the suspended doctor”) in accordance with the Department’s determination in relation to such payments.

(2) The Department shall make the determination in accordance with paragraph (3) after consultation with the organisations referred to in regulation 37(1) and publish it with the Statement referred to in that regulation.

(3) The determination may be amended from time to time by the Department, after consultation with the organisations referred to in regulation 37(1) and any amendments shall also be published with the Statement referred to in that regulation.

(4) Subject to paragraphs (5) and (6), the Department’s determination shall be such as to secure that, as far as reasonably practicable, the suspended doctor receives all the payments which would have been due to him pursuant to regulation 37 had he provided such general medical services to his patients

during the period of his suspension as are actually provided by the doctor who becomes responsible for them during that period by virtue of regulation 24(2).

(5) To the extent that such payments consist of the reimbursement of expenses for which a doctor must submit a claim, the suspended doctor shall receive reimbursement only in respect of those expenses which he continues to incur during the period of his suspension.

(6) In a case to which paragraph 8B(3) of Part I of Schedule 11 to the Order<sup>(3)</sup> applies, the determination shall provide for a deduction to take account of any payments which the suspended doctor receives for providing general medical services as an assistant or deputy.

### **Claims and overpayments**

**39.**—(1) Any claim for fees, allowances or other remuneration by a doctor shall be made in accordance with the provisions of the Statement under regulation 37.

(2) Where a Board or the Agency considers that a payment has been made to a doctor in circumstances when it was not due, it shall, except to the extent that the Department, on the Board's or the Agency's application, directs otherwise, draw the overpayment to his attention and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but the matter having been referred under regulation 5(1) of the Disciplinary Procedures Regulations for investigation, the Board or the Agency, or the Department on appeal under regulation 9(1)(c) of those Regulations, decides that there has been an overpayment,

the overpayment shall be recoverable either by deduction from the doctor's remuneration or in some other manner.

(3) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

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(3) Paragraph 8B of Schedule 11 was inserted by Article 4 of [S.I. 1995/2704 \(N.I. 14\)](#)